



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Michael E. Spurlock

Appln. No. : 09/928,522

Filed : August 13, 2001

Title : Bovine Leptin Protein, Antisense and Antibody

Docket No. : LL31.12-0015

Group Art Unit: 1647

Examiner: Christine J.
Saoud

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 C.F.R. 1.321(b))**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL
Express Mail No.: EV 302264581 US

Sir:

Interest of Person Making This Disclaimer

I, Philip F. Fox, am a representative authorized to sign on behalf of the assignee of this invention.

Identity of Assignee

The assignee is Purina Mills, LLC, 1401 South Hanley, St. Louis, MO 63144.

Extent of Interest

The extent of our interest is in the whole of this invention.

Disclaimer

We hereby disclaim the term of any patent granted on the above-identified application subsequent to the full term of United States Patent No. 6,297,027 as presently shortened by any terminal disclaimer, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,297,027, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

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Inventor: Michael E. Spurlock

Application No.: 09/928,522

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We do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,297,027, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

PURINA MILLS, LLC

By: Philip F. Fox
Philip F. Fox, Patent Attorney

Date: March 19, 2004

Fee Status

(37 C.F.R. 1.20(d))

☒ other than a small entity \$110.00

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: March 19, 2004

By: Philip F. Fox
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Minneapolis, MN 55415-1002
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PFF:UNC:alg



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SUBMISSION UNDER 37 C.F.R. 3.73(b)

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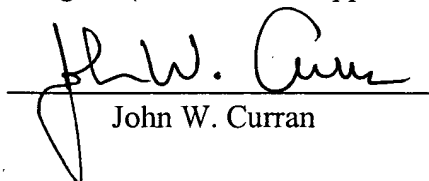
Sir:

Purina Mills, LLC, a Delaware Limited Liability Company, is an owner of the patent application identified above by virtue of the following documents:

- An assignment from the inventor of the patent application identified above to Purina Mills, Inc. The assignment is recorded in the Patent and Trademark Office at Reel 012080, Frame 0216.
- A Certificate of Formation of Purina Mills, LLC dated October 11, 2001. A copy (one page) of the Certificate of Formation of Purina Mills, LLC and a copy (one page) of a Certification by the Delaware Secretary of State concerning the Certificate of Formation of Purina Mills, LLC are attached.
- A Certificate of Conversion to Limited Liability Company of Purina Mills, Inc. to Purina Mills, LLC dated October 11, 2001. A copy (one page) of the Certificate of Conversion and a copy (one page) of a Certification by the Delaware Secretary of State concerning the Certificate of Conversion are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature:

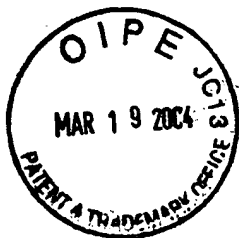

John W. Curran

Date:

12/5/03

Title:

Assistant Secretary of Purina Mills, LLC



**CERTIFICATE OF FORMATION
OF
PURINA MILLS, LLC**

This Certificate of Formation of Purina Mills, LLC (the "LLC"), dated as of October 11, 2001, is being duly executed and filed by Monica M. Ayres, as an authorized person, to form a limited liability company under the Delaware Limited Liability Company Act (6 Del.C. §18-101, et seq.).

FIRST. The name of the limited liability company formed hereby is Purina Mills, LLC.

SECOND. The address of the registered office of the LLC in the State of Delaware is c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

THIRD. The name and address of the registered agent for service of process on the LLC in the State of Delaware are The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation as of the date first above written.

Monica M. Ayres

Name: Monica M. Ayres
Authorized Person of LLC

State of Delaware
Office of the Secretary of State

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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "PURINA MILLS, LLC" FILED IN THIS OFFICE ON THE ELEVENTH DAY OF OCTOBER, A.D. 2001, AT 1:25 O'CLOCK P.M.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

2343380 8100V

AUTHENTICATION: 1386945

010505194

DATE: 10-11-01

**CERTIFICATE OF CONVERSION TO LIMITED LIABILITY COMPANY
OF
PURINA MILLS, INC.
TO
PURINA MILLS, LLC**

This Certificate of Conversion to Limited Liability Company, dated as of October 11, 2001, has been duly executed and is being filed by Purina Mills, Inc., a Delaware corporation (the "Company"), to convert the Company to Purina Mills, LLC, a Delaware limited liability company (the "LLC"), under the Delaware Limited Liability Company Act (6 Del.C. §18-101, et seq.) and the General Corporation Law of the State of Delaware (8 Del.C. §101, et seq.) (the "GCL").

1. The Company's name when it was originally incorporated was PM Holdings Corporation. The Company's name immediately prior to the filing of this Certificate of Conversion to Limited Liability Company was Purina Mills, Inc.

2. The Company was first incorporated on July 12, 1993. The jurisdiction of the Company at the time it was first incorporated was the State of Delaware. The jurisdiction of the Company immediately prior to the filing of this Certificate of Conversion to Limited Liability Company was the State of Delaware.

3. The name of the LLC into which the Company shall be converted as set forth in its certificate of formation is Purina Mills, LLC.

4. The conversion of the Company to the LLC has been approved in accordance with the provisions of Sections 228 and 266 of the GCL.

5. The conversion of the Company to the LLC shall be effective upon the filing of this Certificate of Conversion to Limited Liability Company and a certificate of formation with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Conversion to Limited Liability Company as of the date first-above written.

PURINA MILLS, INC.

By: Duane Halverson

Name: Duane Halverson
Title: President

State of Delaware
Office of the Secretary of State

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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "PURINA MILLS, INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "PURINA MILLS, INC." TO "PURINA MILLS, LLC", FILED IN THIS OFFICE ON THE ELEVENTH DAY OF OCTOBER, A.D. 2001, AT 1:25 O'CLOCK P.M.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

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